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U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 JOSEPH ANTHONY ABEYTA

11 Plaintiff,

12 VS.
13 1. ANTHONY DURANTE CORRECTIONAL OFFICER # 2406
14 2. SGT. C. SABANYI 1594
SANTA CLARA CO. DEPT. OF CORRECTIONS AND
SHERIFF'S DEPT.
ALL IN INDIVIDUAL AND OFFICIAL CAPACITY, Defendant.

15 C 07 CW 4660
CASE NO.

16 PRISONER'S
17 APPLICATION TO PROCE (PR)
18 IN FORMA PAUPERIS

19 I, JOSEPH ANTHONY ABEYTA, declare, under penalty of perjury that I am the
20 plaintiff in the above entitled case and that the information I offer throughout this application
21 is true and correct. I offer this application in support of my request to proceed without being
22 required to prepay the full amount of fees, costs or give security. I state that because of my
23 poverty I am unable to pay the costs of this action or give security, and that I believe that I am
24 entitled to relief.

25 In support of this application, I provide the following information:

26 1. Are you presently employed? Yes No ✓

27 If your answer is "yes," state both your gross and net salary or wages per month, and give the
name and address of your employer: N/A

28 Gross: Net:

Employer:

1 If the answer is "no," state the date of last employment and the amount of the gross and net
2 salary and wages per month which you received. (If you are imprisoned, specify the last
3 place of employment prior to imprisonment.)

4 \$10 PER HR. 1995 PERFORMANCE CEILING INC. HAYWARD CA.

7 2. Have you received, within the past twelve (12) months, any money from any of the
8 following sources:

9 a. Business, Profession or Yes No
10 self employment

13 c. Rent payments? Yes No

14 d. Pensions, annuities, or Yes No
15 life insurance payments?

16 e. Federal or State welfare payments, Yes No

17 Social Security or other govern-
18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
20 received from each.

21

22

23 3. Are you married? Yes No

25 Spouse's Place of Employment: SSI

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ Net \$

28 4. a. List amount you contribute to your spouse's support: \$ 100

1 b. List the persons other than **your** spouse who are dependent upon you for
2 support and indicate how **much** you contribute toward their support. (NOTE:
3 For minor children, list only their initials and ages. DO NOT INCLUDE
4 THEIR NAMES.).

1

8 Estimated Market Value: \$ _____ Amount of Mortgage: \$ _____

9 6. Do you own an automobile? Yes No

10 Make _____ Year _____ Model _____

11 Is it financed? Yes _____ No _____ If so, Total due: \$ _____

12 Monthly Payment: \$ _____

13 7. Do you have a bank account? Yes No (Do not include account number)

14 Name(s) and address(es) of bank: _____

15

16 Present balance(s): \$ _____

17 Do you own any cash? Yes No Amount: \$ _____

18 Do you have any other assets? (If "yes," provide a description of each asset and its estimated value.)

19 market value.) Yes No

20

21 8. What are your monthly expenses?

22 Rent: \$ _____ Utilities: _____

24 Charge Accounts.

Name of Account Monthly Payment Amount Due on This

28 _____ 9 _____ 9 _____

1 9. Do you have any other debts? (List current obligations, indicating amounts and to
2 whom they are payable. Do not include account numbers.) ?
3
4

5 10. Does the complaint which you are seeking to file raise claims that have been presented
6 in other lawsuits? Yes No ✓ ?
7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in
8 which they were filed. ?
9
10

11 I consent to prison officials withdrawing from my trust account and paying to the court
12 the initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and
14 understand that a false statement herein may result in the dismissal of my claims.

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9.17.07

17

DATE

SIGNATURE OF APPLICANT

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2 Case Number: C074660
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CHY 429

CERTIFICATE OF FUNDS

IN

PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of JOSEPH A. ABREYTA for the last six months at [prisoner name]
SANTA CLARA COUNTY JAIL NORTH where (s)he is confined.
[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 93.33 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 24.25.

Dated: 9/20/07

Guiaung

[Authorized officer of the institution]

Resident Account Summary
Thursday, September 27, 2007 010:24

For PFN: CHY429 ABEYTA, JOSEPH ANTHONY

Date	Transaction	Description	Amount	Balance	Owed	Held	Reference
09/25/2007	EPR	OID:100691329-ComisaryPur	-26.18	0.23	0.00	0.00	
09/23/2007	DEPMO	100720757720	25.00	26.41	0.00	0.00	
09/18/2007	EPR	OID:100688193-ComisaryPur	-13.02	1.41	0.00	0.00	
09/11/2007	EPR	OID:100685337-ComisaryPur	-30.79	14.43	0.00	0.00	
09/07/2007	DEPMO	R100457941276	25.00	45.22	0.00	0.00	
09/06/2007	DEPMO	5757466120	20.00	20.22	0.00	0.00	
08/28/2007	EPR	OID:100679090-ComisaryPur	-9.90	0.22	0.00	0.00	
08/21/2007	EPR	OID:100676155-ComisaryPur	-40.26	10.12	0.00	0.00	
08/14/2007	DEPMO	MONET ORDER08-730694973	50.00	50.38	0.00	0.00	
08/07/2007	EPR	OID:100670438-ComisaryPur	-16.05	0.38	0.00	0.00	
07/31/2007	EPR	OID:100667182-ComisaryPur	-20.49	16.43	0.00	0.00	
07/24/2007	EPR	OID:100664691-ComisaryPur	-78.49	36.92	0.00	0.00	
07/17/2007	EPR	OID:100661788-ComisaryPur	-69.74	115.41	0.00	0.00	
07/15/2007	DEPMO	57-53110270	70.00	185.15	0.00	0.00	
07/15/2007	DEPMO	08-723568600	95.00	115.15	0.00	0.00	
07/14/2007	DEPMO	57-54268777	20.00	20.15	0.00	0.00	
06/19/2007	EPR	OID:100650193-ComisaryPur	-2.06	0.15	0.00	0.00	
06/12/2007	EPR	OID:100647189-ComisaryPur	-49.10	2.21	0.00	0.00	
06/06/2007	DEPCA	57-53110007	50.00	51.31	0.00	0.00	
05/29/2007	EPR	OID:100641425-ComisaryPur	-4.94	1.31	0.00	0.00	
05/22/2007	EPR	OID:100638652-ComisaryPur	-19.58	6.25	0.00	0.00	
05/17/2007	EPR	OID:100635473-ComisaryRef	0.40	25.83	0.00	0.00	
05/15/2007	EPR	OID:100635473-ComisaryPur	-14.18	25.43	0.00	0.00	
05/08/2007	EPR	OID:100632510-ComisaryPur	-18.44	39.61	0.00	0.00	
05/01/2007	EPR	OID:100629266-ComisaryPur	-53.11	58.05	0.00	0.00	
04/24/2007	EPR	OID:100626776-ComisaryPur	-99.88	111.16	0.00	0.00	
04/19/2007	DEPMO	5752753106	60.00	211.04	0.00	0.00	
04/19/2007	DEPMO	5752753107	50.00	151.04	0.00	0.00	
04/17/2007	EPR	OID:100623831-ComisaryPur	-25.48	101.04	0.00	0.00	
04/15/2007	DEPMO	08-701298791	100.00	126.52	0.00	0.00	
04/11/2007	DEPMO	5676323316	25.00	26.52	0.00	0.00	
04/10/2007	EPR	OID:100621266-ComisaryPur	-14.72	1.52	0.00	0.00	